

# HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

## UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under  
37 C.F.R. 1.53(b))

Attorney Docket No.

1733.1009-023

First Named Inventor or  
Application Identifier

Paul F. Herbert

Express Mail Label No.

EV 044389575 US

Title of  
Invention

PRODUCTION SCALE METHOD OF FORMING MICROPARTICLES

### APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

1. ☐ Fee Transmittal Form  
(Submit an original, and a duplicate for fee processing)
2. ☒ Specification **[Total Pages 27]**  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to microfiche Appendix
  - Background of the Invention
  - Summary of the Invention
  - Brief Description of the Drawings
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
3. ☒ Drawing(s) (35 U.S.C. 113) **[Total Sheets 4]**  
☒ Formal ☐ Informal  
☒ Fig. of the Drawings for Publication **[1]**
4. ☒ Oath or Declaration/POA **[Total Pages 3]**
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 C.F.R. 1.63(d))  
(for continuation/divisional with Box 18 completed)  
**[NOTE Box 5 below]**
    - i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☒ Incorporation By Reference (useable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. ☐ Microfiche Computer Program (Appendix)
7. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Copy
  - b. ☐ Paper Copy (identical to computer copy)  
**[ ] Pages**
  - c. ☐ Statement verifying identity of above copies

### ACCOMPANYING APPLICATION PARTS

8. ☐ Assignment Papers (cover sheet & documents)  
☒ Assignee -  
**Alkermes Controlled Therapeutics, Inc.**  
**Cambridge, Massachusetts**
9. ☐ 37 C.F.R. 3.73(b) Statement ☐ Power of Attorney
10. ☐ English Translation Document (if applicable)
11. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503)
14. ☐ Small Entity Statement(s) ☐ Statement filed in prior application, status still proper and desired
- 15a. ☐ Foreign Priority Claim under 35 U.S.C. §119(a)-(b)
- 15b. ☐ Certified Copy of Priority Document(s)
16. ☐ Nonpublication Request (check parent application)
17. ☒ Other: Remarks Letter

18. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/587,821  
 Prior application information: Examiner: Mullis, J. Group Art Unit: 1711

### 19. CORRESPONDENCE ADDRESS

NAME	Carolyn S. Elmore				
	HAMILTON, BROOK, SMITH & REYNOLDS, P.C.				
ADDRESS	530 Virginia Road, P.O. Box 9133				
CITY	Concord	STATE	MA	ZIP CODE	01742-9133
COUNTRY	USA	TELEPHONE	(978) 341-0036	FAX	(978) 341-0136

Signature	<i>Susan M. Abelleira</i>	Date	December 06, 2001
Submitted by Typed or Printed Name	Susan M. Abelleira	Reg. Number	42,252

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Paul F. Herbert and Michael S. Healy

Continuation Application of

Application No.: 09/587,821

Filed: June 6, 2000

For: PRODUCTION SCALE METHOD OF FORMING MICROPARTICLES

Date: <u>12/6/01</u>
EXPRESS MAIL LABEL NO. <u>EV 044389575 US</u>

REMARKS

Box PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The above-captioned application is a continuation of pending application number 09/587,821 filed on June 6, 2000, which is a Continuation of 09/305,413 filed on May 5, 1999, now U.S. Patent No. 6,153,129, which is a Continuation of 08/443,726 filed on May 18, 1995, now U.S. Patent No. 5,922,253, to which priority is claimed under 35 U.S.C. § 120..

The specification has been revised to update the format of the parent application. The related applications paragraph has been revised to include application number 09/587,821. Claims 1-18 are newly presented. No new matter has been added.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Susan M. Abelleira  
Susan M. Abelleira  
Registration No. 42,252  
Telephone (978) 341-0036  
Facsimile (978) 341-0136

Concord, Massachusetts 01742-9133  
Dated: December 06, 2001